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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,096	08/22/2001	Tetsuya Itani	YAO-4343US	1000

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,096

Applicant(s)

ITANI, TETSUYA

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 8-11, 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 4, 5, 7 and 13 is/are rejected.
- 7) ☒ Claim(s) 6, 12, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/18/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al (5,822,008).

Regarding claims 4 and 5, Inoue discloses an image signal reproduction apparatus for reproducing an information signal including one of a first image signal obtained by converting a film material into an electrical signal or a second image signal whose material is a video signal, the apparatus including:
an interlaced scanned image signal reproduction section for outputting the information signal as an interlaced scanned image signal of 60 fields per second (Figs 35-36, column 27, lines 5-30) ; a progressive scanning conversion section (Fig. 5) for converting the information signal to a progressive scanned image signal (column 27, lines 5-30); and

a filtering section for changing a frequency characteristic of an output of the progressive scanning conversion circuit section so as not to generate a difference in visual appreciation between interlace scanning image signal and the progressive scanned image signal (reducing flicker caused by unwanted frequency or components in the progressive scanned image signal (column 31, line 45 to column 32, line 25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 4-,5, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al (EP0782334 A2) in view of Katsumata et al (5,276,515)

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Regarding claims 4 and 5, Kikuchi discloses an image signal reproduction apparatus for reproducing an information signal including one of a first image signal obtained by converting a film material into an electrical signal or a second image signal whose material is a video signal, the apparatus including:

an interlaced scanned image signal reproduction section for outputting the information signal as an interlaced scanned image signal of 60 fields per second (Figs 1-2) ; and

a progressive scanning conversion section (Fig. 5) for converting the information signal to a progressive scanned image signal.

Kikuchi fails to teaches using filtering section for changing a frequency characteristic of an output of the progressive scanning conversion circuit section so as not to generate a difference in visual appreciation between interlace scanning image signal and the progressive scanned image signal .

Katsumata teaches an apparatus having a filter section for changing the characteristic frequency of a progressive scanning video signal (Fig. 1,214, column 5, lines 30-68, column 15, lines 5-68).

It would have been obvious to one of ordinary skill in the art to modify Kikuchi with Katsumata by using a filter as taught by Katsumata having a selected frequency range with the apparatus of Kikuchi to filter the progressive scanned image signal by changing the frequency characteristic of the progressive image signal so as not to generate a difference visual appreciation between the interlace image signal and the progressive scanned image signal thereby improving the quality of the scanned progressive scanned image signal.

Regarding claim 5, Kikuchi further teaches the image signal reproduction apparatus according to claim 4, wherein an output of the interlaced scanned image signal reproduction section is the input of the progressive scanning conversion section (Fig. 5).

Regarding claim 7 and 13, Kikuchi as modified with Katsumata fails to teach the frequency characteristic can be changed by a setting made by the user.

However, it is noted that selecting filter having a specified frequency characteristic for filtering a signal is well known in the art. Therefore official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Kikuchi as modified with Katsumata by providing filters having different frequency characteristics to the apparatus by the user for filtering the image signal to desired frequency band.

Response to Arguments

5. Applicant's arguments filed 21 September 2006 have been fully considered but they are not persuasive.

In Remarks, applicant argues that Inoue does not teach a conversion means for converting the interlaced scanning signal to a progressive video signal. In response, it is noted that at Figs. 35-36, column 27 lines 5-30, column 31 line 45 to column 32 line 25, Inoue teaches that an interlaced scanning signal is input to 310, the input interlaced scanning signal is stored in a memory 312, from the memory a progressive scanning signal is output to 314. It is clear that Inoue teaches a converting for converting an interlaced scanning signal to a progressive scanning signal. Applicant

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argues that Inoue does not teach a filter for filtering the progressive video signal. In response, the examiner disagrees. It is noted that at column 31, lines 33-45, Inoue teaches that an interlaced scanning video signal is converted to a progressive video signal and the progressive video signal is subjected to attenuate spatial frequency components of the progressive video signal.

In Remarks, applicant argues that Katsumata does not teach reducing visual effect between the scanned video signal and progressive video signal. In response, the examiner disagrees. It is noted that Katsumata teaches using a filter for smoothing the mages produced from the progressive video signal. The combination of Kikuchi and Katsumata will teaches using a filter for reducing the difference of the visual effect between the scanned video signal and the progressive video signal. After converting, the frequency components in the scanned video signal may remain in the progressive video signal, using a filter as taught by Katsumata will eliminate the remained unwanted spatial frequency components in the progressive vide signal thereby reducing the visual effect difference between the scanned video signal and the progressive video signal.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Allowable Subject Matter

7. Claims 1-3, 8-11 and 16 –17 are allowed.
8. Claims 6,12 and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY NGUYEN
PRIMARY EXAMINER